

Proposal

Seattle Municipal Code Section 12A.06.115 Revision

Homelessness Taskforce

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May 31, 2007

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SEATTLE HUMAN RIGHTS COMMISSION

From the Preamble of the Universal Declaration of Human Rights.

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ... it is essential that ... human rights should be protected by the rule of law.

Key Articles

Article 2: Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...

Article 3: Everyone has the right to Life, Liberty, and Personal Security.

Article 6: Everyone has the right to recognition everywhere as a person before the law.

Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Brief Statement

By adding homelessness to Seattle's Malicious Harassment Ordinance, the Seattle Human Rights Commission (SHRC) hopes to do three things:

- First, we want to promote legal protection to a vulnerable population within the city of Seattle. This action would protect the personal security of the homeless and give them increased recognition before the law.
- Second, we want to fight the dehumanization of the homeless by discouraging behavior that reinforces and promotes dehumanization of the homeless.
- Third, we want to pursue a teen education campaign, in coordination with other stakeholders in the homeless-advocacy community, using the ordinance as a tool. We choose to focus on teens because "thrill seekers, primarily in their teens, are the most common perpetrators of violence against people who are homeless."¹

We believe the proposed ordinance revision and subsequent education campaign would help promote SHRC's work in the community by carrying the spirit of the Declaration for all the citizens of Seattle.

¹ The National Coalition for the Homeless Factsheet
www.nationalhomeless.org/publications/facts/Hatecrimes.pdf : Page 2, December 2006.



SEATTLE HUMAN RIGHTS COMMISSION

BRIEFING MEMO

Date: May 7, 2007

To: Councilmember Nick Licata

From: Homeless Taskforce of the Seattle Human Rights Commission
Jay Wellington, Lubna M. Mahadeen, Marissa Chavez,
Shukri Olow (Get Engaged member), Charles Hodges (Community Resident)

Subject: Adding homeless as a protected group under Malicious Harassment Ordinance

Background

Significant data reveals that homeless people are at great risk of having violent crimes perpetrated against them solely because they are homeless. In 2006 alone there were 142 incidents of hate crimes and violent acts in the United States against people who were experiencing homelessness.

According to a report titled "Hate, Violence, and Death on main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness from 1999-2002" by the National Coalition for the Homeless, Seattle was ranked the 7th most dangerous city and Washington was ranked the 3rd most dangerous state for people facing homelessness. During this period there were 13 separate incidents of hate crimes in Washington State perpetrated against people on the basis of being homeless.

People that are homeless are an already vulnerable population. Seattle & King County Public Health reports that in 2005 ninety-four homeless people died and 9% of the deaths were due to homicide and 71% of all the incidents leading to death occurred in Seattle.

Despite the already disturbing figures listed above, this data highly underestimates the actual number of attacks based on information received from service providers. Al Poole, Homeless Intervention and Block Grant Administration Division Director for HSD, states that emergency shelters are opened during the winter holidays because of the dramatic increased violence against people who are homeless during that time. Most crimes go unreported due to many factors including mental illness, fear of reporting or retaliation, distrust of system, etc.

An alarming trend in the attacks against homeless people is the young age of the attackers. In the studies done by the National Coalition for the Homeless it was found that the majority of the attacks are perpetrated by youth ages 16 to 19 years old.

Revising the City's Code to Include the Homeless as a Protected Group

City Ordinance 120132 added a section on Malicious Harassment (SMC 12A.06.115) to include groups that aren't currently protected under the Washington State Malicious Harassment Law (RCW9A.36.078). Protections under the state law include: race, color, religion, ancestry, national origin, gender, sexual orientation or mental, physical and sensory handicaps.

Seattle's malicious harassment law expands on the state law by adding gender identity, marital status, political ideology, age or parental status. It reads:

"A person is guilty of malicious harassment if he or she maliciously and intentionally commits one (1) of the following acts because of his or her perception of another person's gender identity, marital status, political ideology, age, or parental status"

Revising the ordinance to include homelessness will require adding language to the ordinance to include people who are homeless. The Ten-Year Plan to End Homelessness, adopted by the City Council defines a homeless individual as:

In general, the term "homeless" or "homeless individual" includes an individual who lacks a fixed, regular and adequate nighttime residence; and an individual who has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations; an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

Education and Outreach

If the ordinance is expanded, we would also propose a joint educational effort including the HRC, HSD and SOCR:

- Press release / press conference (HRC with potential involvement of Seattle King County Coalition for the Homeless, HSD and SOCR)
- Presentations for middle schools and high school students (SOCR and HRC)
- Presentations and materials to service providers (SOCR, 10 Year Plan's Speakers Bureau)
- Materials developed similar to card on hate crimes based on sexual orientation (SOCR)

Timeline

The Commission has been discussing this potential change with SOCR, HSD and SPD to ensure that meaningful results would occur. We would like to present the proposed language to your committee during the 2nd quarter, and once passed, would work with community based organizations and the above-referenced departments to ensure the new policy is known. The educational and outreach campaign with a special focus on youth would be launched in the fall. I will call your office to schedule time to discuss this proposal.

DRAFT

ORDINANCE _____

AN ORDINANCE amending Seattle Municipal Code Section 12A.06.115 to provide protections for homeless persons from malicious harassment

WHEREAS...; and [to be added]

WHEREAS, [to be added]...; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 12A.06.115 is amended as follows:

SMC 12A.06.115 Malicious harassment.

A. A person is guilty of malicious harassment if he or she maliciously and intentionally commits one (1) of the following acts because of his or her perception of another person's gender identity, homelessness, marital status, political ideology, age, or parental status:

1. Causes physical injury to another person; or
2. By threat places another person in reasonable fear of harm to his or her person or property or harm to the person or property of a third person; provided however, that it shall not constitute malicious harassment for a person to speak or act in a critical, insulting, or deprecatory way so long as his or her words or conduct do not constitute a threat of harm to the person or property of another person; or
3. Causes physical damage to or the destruction of the property of another person.

B. "Threat" means to communicate, directly or indirectly, the intent to:

1. Cause bodily injury to another; or
2. Cause damage to the property of another; or
3. Subject another person to physical confinement or restraint.

C. For purposes of this section:

1. "Gender identity" means a person's identity, expression, or physical characteristics, whether or not traditionally associated with one's biological sex or one's sex at birth, including transsexual, transvestite, and transgendered, and including a person's attitudes, preferences, beliefs, and practices pertaining thereto.

2. "Homelessness" means:

(a) lacking a fixed, regular, and adequate nighttime residence; or

(b) having a primary nighttime residence that is:

(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or

(ii) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

D. Every person who, in the commission of malicious harassment, shall commit any other crime, may be punished therefor as well as for the malicious harassment, and may be prosecuted for each crime separately.

Section X. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 20__, and signed by me in open session in authentication of its passage this ____ day of _____, 20__.

President _____ of the City Council

Approved by me this ____ day of _____, 20__.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 20__.

City Clerk

(Seal)

MAINE LEGISLATION

An Act to Implement the Recommendations of the Attorney General's
Working Group Regarding Sentencing Factors for Crimes against Persons
Who Are Homeless

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA § 1151, sub-§ 8, B, as enacted by PL 1995, c. 149, §1, is amended to read:

B. The selection by the defendant of the person against whom the crime was committed or of the property that was damaged or otherwise affected by the crime because of the race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or homelessness of that person or of the owner or occupant of that property.

SUMMARY

This law implements the recommendations of the Attorney General's working group regarding the advisability of implementing aggravating sentencing factors for crimes against persons who are homeless, which was established pursuant to Public Law 2005, chapter 393. The law amends the purpose section of the general sentencing provisions of the Maine Criminal Code by adding homelessness to the list of factors, such as the age, religion and sexual orientation of a victim that a court considers in determining the gravity of an offense in sentencing.

MAINE'S CAMPAIGN TO END HATE VIOLENCE AGAINST HOMELESS PEOPLE

For over three years, Preble Street Homeless Voices for Justice (HVJ), a social change organization led by people who have first-hand experience of living in homelessness, has undertaken a campaign to publicly address the problem of hate violence against homeless people. We have had significant success in our long-term efforts to bring public attention and legislative action to the cause of better protecting homeless people from the plague of anti-homeless violence. We believe that our organizing may have already helped to reduce this violence in our state, and we hope that Maine can lead the way for all Americans to show that we will not accept hate violence against the homeless in our communities.

Our first success in the Maine Legislature, 2005's "An Act to Amend the Laws Governing Crimes Against Homeless People," mandated statewide training for local police on homelessness and homeless people's barriers to accessing the police. Our organization now regularly conducts this training at the State Police Academy and has trained or consulted on this training for local police departments. The 2005 law also required the Attorney General's Office to work with the police on better response to crimes against the homeless. We have participated actively in that work, and are awaiting the AG's report and recommendations to the Legislature on that issue in early 2007.

This past year we achieved a hard-fought and even more significant legislative victory. In the spring of 2006, Maine passed first-in-the nation legislation to add homelessness to the categories of crime victims that may be considered as an aggravating factor in sentencing. This new law, titled "An Act to Implement the Recommendations of the Attorney General's Working Group Regarding Sentencing Factors for Crimes against Persons Who Are Homeless," was signed by Governor John Baldacci at a public event held in the Preble Street soup kitchen. While other states have mandated police training on homelessness, Maine is the first to pass a law that directly impacts the sentencing of crimes committed against homeless people. This new law significantly improves protection for Maine's homeless people *now*. **It is also a critical step toward our long-term goal of having homelessness included as a fully protected category under Maine's Civil Rights Act (our state's hate crimes law).**

Our long-term organizing campaign to stop the hate violence has included a wide variety of actions in addition to legislation:

Presentations at local high schools and area colleges; statewide presentations to community organizations and social action groups; a large community march and press conference in Portland to oppose this violence, co-organized by Portland High School students; presentations and collection of information at homeless shelters around the state; collaboration with the Center for Prevention of Hate Violence at the University of Southern Maine; working with

homeless people and the police to improve communication and develop more victim-friendly reporting procedures, trying to break the “trust” barrier; a continuing successful effort to confront media stereotyping of the homeless community that encourages bias.

Early on in this campaign, we learned about the video series and web site called “Bumfights,” which has been cited as a source of inspiration for groups of youth to attack homeless people. In 2003 and 2004, we heard from local high school students and police about a group of youth calling themselves the “Bum Fighting Krew” (a name taken directly from these films), which may have been responsible for some of the Portland attacks at that time. We provided background information to *60 Minutes* and facilitated meetings between one of their producers and both homeless victims and high school students here in Portland, in preparation for the news program they aired about “Bumfights” in the fall of 2006. We persuaded Maine video store owners to remove the “Bumfights” films from their shelves. We also sent letters to prominent national retail chains who continued to sell the video on their websites - in some cases even after previous commitments to the National Coalition for the Homeless and other organizations that they would stop selling them. This effort has resulted in at least one positive response so far when Target Corporation committed to remove their website’s links to sales of this video and to improve efforts to “prevent such postings” by their online business partners.

Unfortunately, we continue to learn of other movies, video games, and messages in popular media which promote the actions and attitude represented in “Bumfights.” In March 2006, we staged a highly publicized protest at a local cinema which was screening the popular film, “Date Movie,” in which a couple yell “Bumfights!” and attack a homeless man for laughs. We organized in protest of a similar “joke” on a popular Maine radio station in June 2006, spurring a public outcry which led the station to apologize and to donate public service announcements (PSAs) and other air time (including on-air interviews with Homeless Voices for Justice leaders) to oppose anti-homeless hate violence. With input from HVJ, station programming staff produced PSAs about the importance of treating homeless people with dignity, and these have now been aired by several local stations owned by the same company (Citadel Broadcasting), reaching an estimated 60,000 listeners.

Our ultimate goal is to end homelessness, and we work on many ongoing initiatives to address the causes of homelessness and to expand housing opportunities. Meanwhile, it is important to recognize the frightening treatment of homeless people in our society and to work to make homeless people's day-to-day lives less dangerous.



SEATTLE HUMAN RIGHTS COMMISSION

Ordinance Change: Community Outreach

The SHRC's taskforce on homelessness has been researching the possibility of an ordinance change to the City of Seattle's Malicious Harassment ordinance. This ordinance change would add the term "homelessness" to the current ordinance to include an additional protection to those individuals who are homeless against malicious harassment. Prior to submitting the ordinance change to the City Council, the members of the taskforce presented the proposal to various community stakeholders.

1. The Seattle/King County Coalition on Homelessness General Meeting

Background: Seattle/King County Coalition on Homelessness (SKCCH) was formed in 1979 and is one of the oldest homeless coalitions in the country. They work collaboratively to ensure the safety and survival of people who are homeless and to end the crisis of homelessness in our region.

Members of the taskforce presented the ordinance change at their general meeting in April. The group discussed the ordinance change, and overall there was positive support for the proposal. SKCCH members were also eager to take the ordinance change a step further to ensure that the training and education outreach was a strong component of the overall campaign.

2. University District Service Providers Alliance Spring Meeting

Background: The University District Service Providers Alliance (UDSPA) is a coalition of nonprofit organizations in Seattle's University District working together to create a comprehensive continuum of care for homeless and street-involved youth and young adults. Some of the service providers include the 45th Street Youth Clinic, Street Youth Ministries, Rising Out Of The Shadows, University District Youth Center, Sanctuary Art Center, University Family YMCA, Seattle Education Access and University Street Ministry.

Charles Hodges, a member of the taskforce, presented at the UDSPA meeting April 20th and received overwhelming support. UDSPA offered to assist with the education efforts that will begin once the ordinance change occurs. They recommended that the taskforce attend their Homelessness 101 class, which prepares new staff to begin working in a program serving homeless youth.

3. Community Outreach Forum - May 8th at Douglass Truth Library

The taskforce organized a community outreach meeting to provide an opportunity for community members to learn more about the ordinance and to express their support and concerns about the ordinance change.

There were approximately 10 community residents who attended, representing organizations such as the Seattle Housing Authority, UDSPA, Share/Wheel, Women in Black and more. In general, there was a very positive response to the change and everyone who attended wanted to be included in future outreach efforts.



SEATTLE HUMAN RIGHTS COMMISSION

Homelessness Taskforce FAQ Sheet

The following questions about the scope of the ordinance change have been raised in community meetings that the Seattle Human Rights Commission has hosted over the last month.

Q: *How will this change to the ordinance impact existing City ordinances such as not being allowed to sit on the sidewalk or if someone has a person's car towed (and a person is using the car as a place to sleep)? Or if they are sleeping on a sidewalk and are asked to move?*

A: If homelessness was added to SMC 12A.06.115, a person would commit the crime of malicious harassment only when:

He or she maliciously and intentionally, commits one of the following acts:

- Causes physical injury to another person,
- By threat places another in reasonable fear of harm to his person or a third person or to the property of either, or
- Causes physical damage to or destruction of property of another or a third person's commits certain acts against another's person or property are committed against another person,

Because of his or her perception of another person's gender identity, homelessness marital status, political ideology, age or parental status

I think it is unlikely that enforcement of ordinances such as the sit and lying down ordinance (SMC 15.48.040) and parking ordinances such as the 72 hour parking limits would be held to constitute malicious harassment. Even if such enforcement would result in physical injury to another person or damage to another's property, the enforcement of such ordinances is designed to accomplish legislative purposes unrelated to the status of the potential violator. The actual acts necessary to enforce such ordinances are not malicious, nor based upon the enforcing officer's perception of a person's status.

Q: *If a tent city refused to move and police or others removed it could it be deemed malicious harassment since it would be damage to property?*

A: For similar reasons as given in the previous answer, I think it is unlikely that actions by police officers or others to move a tent city after a refusal to leave would be held to constitute malicious harassment. Again, the enforcement is not directed against another because of the person's status of being homeless but is directed to resolving a perceived public safety issue. The act of enforcement is not malicious.

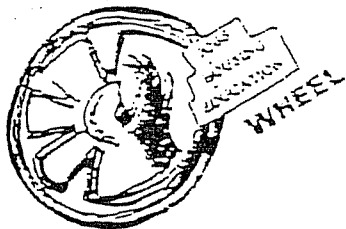
Q: *If a homeless person reports malicious harassment to the police is there any chance that the record would later be open to the public thereby allowing an employer or potential landlord to know that the person was at one time homeless? There is a lot of fear amongst people of being discriminated against for having experienced homelessness.*

A: The answer to this question is a little complicated. Identifying information regarding a victim of a crime typically is included in a police report of the crime. The criminal records privacy act governs the disclosure of criminal records. If a case does not result in a conviction of crime, such records are non-conviction data and are non-disclosable.

If a case results in a conviction of a crime, such records would be conviction data and are disclosable. In this later case, the identifying information of the victim is potentially available. However, the public records act (Chapter 42.56 RCW) provides that, if at the time a criminal complaint is made, a complainant, victim or witness indicates a desire for disclosure or nondisclosure of that person's identifying information, that choice must be followed.

That means if a person requests nondisclosure of his identifying information at the time of making a complaint, that choice must be followed and even if the criminal conviction data is disclosed the identifying information of the victim must be redacted prior to release of the information.

A recent Washington Supreme Court case, *Koenig v. City of Des Moines*, 158 Wn.2d 173 (2006) adds a new wrinkle. In that case, a father filed a public disclosure case for all records related to the case of a named victim (his daughter). The city had argued that because, the requestor had named a specific person, the mere fact of disclosure (even if the identifying information was redacted) would identify the victim. The court required disclosure holding that the fact a requester may potentially connect the details of a crime to a specific victim by referencing sources other than the requested documents does not render the public's interest in information regarding the operation of the criminal justice system illegitimate or unreasonable. However, this type of specific request for records containing information for victims of malicious harassment seems unlikely.



WHEEL

Women's Housing, Equality and Enhancement League
PO Box 2548
Seattle, WA 98111-2548
(206) 956-0334 (206) 448-2389 (fax)

8 May 2007

Seattle Human Rights Commission
c/o the Seattle Office for Civil Rights
810 Third Avenue, Suite 750
Seattle, WA 98104

Dear Commissioners:

Six years ago the women of WHEEL (a grassroots organizing effort of homeless and formerly homeless women) decided to stand silent Women in Black vigils whenever homeless people died outside or by violence in King County. The first year after we made that decision, we only stood five times. Ever since then, the number of outdoor and violent deaths has steadily risen, to crisis point. Last year, we stood for 59 people. Ten were murdered. Homeless people comprised 34% of all homicide victims in Seattle last year, yet make up less than 2% of the population.

We have witnessed firsthand the growing trend of violence against homeless people, and the resulting despair in the homeless community.

These are some of the reasons why we wholeheartedly support your efforts to revise Seattle Ordinance 120132 to include homeless people as a "protected class."

The Seattle Human Rights Commission has our permission to use WHEEL's name as an endorser of your efforts. WHEEL is glad to help in any educational efforts to build broad community support for the revisions. And finally, we'd be happy to address the Seattle City Council in support of these revisions.

We've attached both the lists of homeless people Women in Black have stood vigils for over the past six years (now totaling 231) and a recent A-P article about the rise of violence against homeless people.

We are also engaging in other efforts to protect the safety and dignity of homeless people. To us, that includes provision of enough emergency shelter for all who need it. We hope you support our survival efforts, too.

Thank you so much for your concern for the protection of homeless people and your important work on these Ordinance revisions. We would be happy to meet with your Commission at any time, and stand ready to help.

Sincerely,
Women of WHEEL

J. Z. Connelly *Betty Shannon*
WHEEL

SHARE
P.O. Box 2548
Seattle, WA 98111
(206) 448-7889

May 2, 2007

Seattle Human Rights Commission
810 3rd Suite 750
Seattle, WA 98104

Dear Commissioners:

SHARE strongly endorses an amendment to the Seattle Malicious Harassment Ordinance that includes homeless people as a protected group.

As homeless and formerly homeless men and women, we daily experience prejudice, fear and disrespect because of our lack of housing. Many of us have been victims of hate crimes and harassment because of being homeless. It is no coincidence that almost a quarter of Seattle's murders last year were of homeless people.

Of the many homeless people who died in King County in 2006 at least 59 of them died either through an act of violence or outdoors, in the elements. Over 2,000 people in this County - most of them in Seattle - have no recourse to indoor shelter after every shelter bed is full. It is hard to be more vulnerable than to be asleep, alone, in a public space such as a bench, a doorway, a bridge, or a bush.

That is why, until there is safe indoor shelter for all, there is no act of harassment more malicious than breaking up encampments of homeless people. It is malicious to drive apart people who must rely on one another to stay safe, and who are not harming anyone in their efforts to survive in peace.

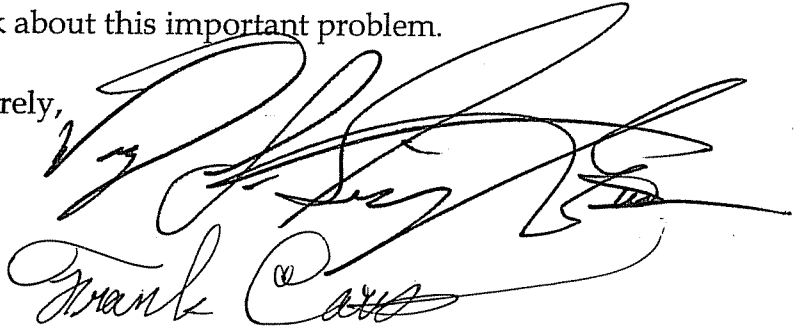
The United Nations Declaration of Human Rights makes clear that housing is an essential human right. Yet homeless people's right to shelter themselves is often violated in Seattle by both unlawful police action and City Ordinances which target and punish homeless people.

While Judges who hear cases where essential human rights clash with unlawful police action usually do the right thing, it is seldom these cases reach the courts due to insufficient legal resources.

This is why a clear, full and honest definition of malicious harassment would be a substantial step forward both for homeless people in Seattle, and for respect of the human rights of all within our society.

Thank you for the opportunity to speak about this important problem.

Sincerely,

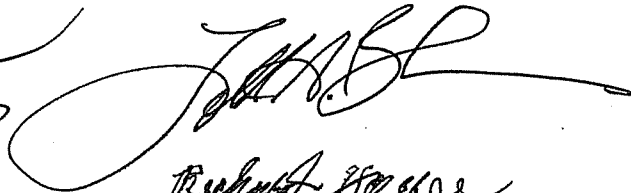


Frank Carr

Gov. N. B.

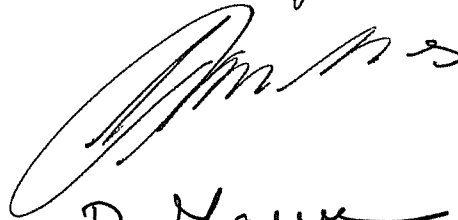
Michael Smith

Sharon




Richard Hayes

Richard Hayes



B. Hauer

B. Hauer



Katherine G. Valen

Peggy Hotes

Christy Lee Come

James Higdon

Richard W. Peterson

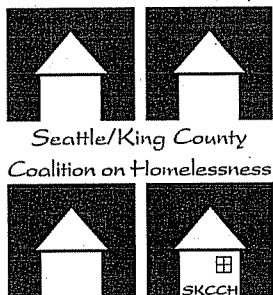
Paula J. R.

Kenneth Young

John H. H.

Sylvester Blackwell

Everett N. Johnson



The Seattle/King County Coalition on Homelessness

77 South Washington Street, Seattle, WA 98104
Phone 206.357.3148 Fax 206.461.3874
www.homelessinfo.org

29 May, 2007

Councilmember Nick Licata
Seattle City Council
P.O. Box 34025
Seattle, WA 98124-4025

Dear Councilmember Licata,

On behalf of the Seattle/King County Coalition on Homelessness (SKCCH), we are writing to express our support for the Seattle Human Rights Commission's recommendation that the Seattle City Council act to add people who are homeless as a protected group under the City's Malicious Harassment ordinance.

Our coalition of service and housing providers, advocates, and activists works to ensure the safety and survival of people who are homeless, and to end the crisis of homelessness in our region. We work directly with youth, adults, and families who are homeless in Seattle and King County. In this work, we see the need for policies and laws which protect some of our most vulnerable neighbors. People who have no homes are far too often subjected to violent attacks because of their circumstances, targeted because of brutal ignorance and prejudice or because they are visible and present, as a result of being exposed and on the streets.

Few people who are homeless report crimes including harassment and assault because of fear, mental illness, or the belief that nothing will be done. SKCCH supports the Seattle Human Rights Commission's proposal because we hope that it will send a clear message that Seattle will not tolerate acts of violence and hatred towards our fellow Seattlites who experience homelessness.

The Seattle/King County Coalition on Homelessness (SKCCH) works collaboratively to ensure the safety and survival of people who are homeless and to end the crisis of homelessness in our region.

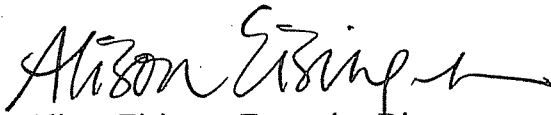
We recognize that such a change in the municipal code would be a largely symbolic gesture unless it were coupled with city-wide education and public awareness. It is our understanding the the Seattle Human Rights Commission intends for this proposal to be linked with education directed towards youth and young adults who appear to be disproportionately responsible for violent attacks on people who are homeless because of their homelessness.

We strongly encourage the City Council, the Mayor, the City Attorney, and the Seattle Police Department to see this as an opportunity to improve human rights and public safety through education and increased awareness about the real circumstances of people who are homeless. We recommend that people who are and have been homeless, as well as organizations which serve and work with them, be directly involved in planning educational materials and activities related to this ordinance.


Finally, we believe that public servants who are responsible for enforcing and applying city ordinances – police officers, public prosecutors, and others – bear special responsibility as protectors of human rights in terms of how they respond to reports of malicious harassment. We suggest that education and awareness efforts include these public servants in dialogue about how their accessibility, policies, and procedures, might be adjusted to improve the likelihood that people who are homeless can and will report crimes with the understanding that their rights are respected equally with the rights of other Seattle residents.

Thank you for your consideration of this important and complex issue.

Sincerely,



Alison Eisinger, Executive Director
Seattle/King County Coalition on Homelessness



Tamara Brown, Journey Home Program Manager, Solid Ground
Co-Chair, Seattle/King County Coalition on Homelessness



Sinan Demirel, Executive Director, ROOT Young Adult Shelter
Co-Chair, Seattle/King County Coalition on Homelessness



Monday, April 9, 2007 - 12:00 AM

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Brutal attacks on homeless on upswing across country

By **TODD LEWAN**
The Associated Press

ORLANDO, Fla. — It was a balmy night, the sort that brings the homeless out from the shelters, when the police were summoned to America Street. On the driveway of a condo, just a few paces from the gutter, lay a man.

A dying man.

He looked to be 50-ish and a resident of Orlando's streets, judging by the moldy jacket. And he'd been bludgeoned.

Before being rushed to the hospital, where he died of his head injuries, the man, August Felix, described his attackers. Young fellows did it, he whispered to the officers who got to him first. Kids.

Within three months, two 16-year-olds and three 15-year-olds had been charged with second-degree homicide in the March 26, 2006, attack.

The motive? "I don't think there was a motive," Sgt. Barbara Jones, a police spokeswoman, said, "other than, 'Let's beat someone up.' "

That high-schoolers had turned into executioners brought pause to officials and advocates for the homeless, not just because the killing was unprovoked, but because it fit into a trend larger than Orlando: a nationwide surge in violence largely by teens and young adults against some of America's most vulnerable citizens.

20 deaths

A 2006 report by the National Coalition for the Homeless found 142 attacks last year against homeless people, 20 of which resulted in death — a 65 percent increase from 2005, when 86 were violently assaulted, including 13 homicides.

By comparison, 60 such attacks were reported in 1999, the year the coalition — the only entity to gather such data — began to study the problem.



Ernest Adams, 56, was homeless in August 2005 when he was attacked in Los Angeles by two men with baseball bats. He was in a coma for 21 days.

And these numbers are likely low because they reflect only the most egregious attacks reported by victims themselves, in newspapers or by agencies that serve the homeless, according to Michael Stoops, acting executive director of the Washington, D.C.-based coalition.

The trend is particularly troubling, he says, because such attacks no longer occur just in major cities on the East and West coasts, as was the case in the 1980s.

In its most recent study, the coalition documented attacks against the destitute in 62 communities last year alone, in 26 states. Since 1999, such violence has occurred in 44 states and Puerto Rico, and in 200 communities nationwide.

An overwhelming majority of the attackers — 88 percent — were 25 or younger; 95 percent were male. No less than 68 percent of those accused and convicted in attacks were between the ages of 13 and 19.

This pattern of violence, in Stoops' view, hasn't gotten the attention it deserves from the public or law enforcement.

"Homeless people are the newest minority group in America that is 'OK' to hate and hurt," he said. "It's as though, somehow, they're viewed as less deserving, less human than the rest of us."

Ambush filmed

Americans did pay attention to the story of 58-year-old Jacques Pierre, a homeless man who'd been sleeping on a bench on a college campus when three teenagers woke him up, taunted him, then nearly killed him with baseball bats.

That Jan. 12, 2006, ambush in Fort Lauderdale, Fla., was filmed by a surveillance camera and broadcast worldwide.

"For once," says Sean Cononie, who operates a homeless shelter in that seaside city, "Americans saw with their own eyes how kids hunt down and kill homeless people as though it were a sport."

Such "sport" has occurred elsewhere:

- In Toms River, N.J., five high-school students were charged with beating a 50-year-old homeless man nearly to death with pipes and baseball bats — throwing hockey pucks at him for good measure — as he slept in the woods.
- In Butte, Mont., a 53-year-old homeless man was killed at a Greyhound bus depot because he refused to give another man a cigarette, according to court records. The victim's skull was fractured. The 22-year-old assailant received a 50-year prison sentence.
- In Spokane, a one-legged, 50-year-old homeless man was set on fire in his wheelchair on a downtown street; he died of his burns. Police charged a 22-year-old man with first-degree murder.
- In Nashville, Tenn., a 32-year-old homeless woman sleeping on a boat ramp was shoved into the Cumberland River, according to witnesses. Two men, ages 21 and 22, were charged with homicide in her drowning; authorities say the attack was unprovoked.

Taping their attack

Cononie, who also publishes a monthly newspaper, "The Homeless Voice," reported another trend:

"Kids are even starting to videotape themselves hurting homeless people. That's something we never saw before."

He was referring to an February incident in Corpus Christi, Texas, in which a 22-year-old, a 16-year-old and a 15-year-old describe on camera how they are going to assault a homeless man, then do so.

On the tape, the attackers kick the man in the back, grab him, and flip him around to show off his injuries, according to police. The camera, which had been stolen, was recovered by the owner, who called police once she saw the footage.

Police have arrested one of the teens and are looking for the other two. The victim suffered a concussion but survived.

Some perpetrators are even younger. In late March, a homeless day laborer was walking at night through a neighborhood of Daytona Beach, Fla., when three boys on bicycles attacked him, striking him with a concrete block.

Two of the boys were 10 years old; the third was 17. Each has been charged with aggravated battery. "For a 10-year-old to pick up a cinder block and smash somebody's face with it, that defies logic," said Michael Chitwood, Daytona's police chief.

Though for the past decade assaults on the homeless have dotted the U.S. map, Florida is the state where such attacks are most frequent by far, the coalition's February report says.

Last year, the coalition documented 48 attacks in Florida, where 60,867 of the state's 17.8 million residents are homeless, according to federal figures. By comparison, 11 attacks were counted in California, where 170,270 of that state's 36 million people are homeless.

While some investigators think the attacks are random, Sgt. Richard Ring, who investigated the murder of August Felix in Orlando last year, sees "a more deep-seated problem."

As he puts it, "Our young people get prejudices from their parents in regard to homeless people. They don't identify with the homeless, and they don't seem to see them as important." The juveniles targeted Felix, Ring adds, "because he was easy prey."

Some local governments have adopted ordinances that restrict where and when the homeless can sleep, stroll, beg, eat, bathe or do laundry. This trend may have an unintended effect — reinforcing negative stereotypes of homelessness, which contributes to the violence, some advocates say.

Of late, there have been signs that lawmakers may be ready to crack down on those who assault the homeless without provocation — one being a recent push to categorize such attacks as hate crimes.

Currently, gays, along with racial, ethnic and religious groups, are covered by various hate-crime laws around the country; convictions under these statutes usually carry harsher sentences than other types of crime.

Brian Levin, a criminologist and hate-crimes expert at Cal State San Bernardino, says attacks on homeless people "fit the category like a glove" and should be punished as severely.

Hate crimes, he says, bear similar hallmarks: stereotyped victims, offenders who act on latent prejudices, offenders who seek thrills or feel superior to their victims, and a mob mentality.

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Between 1999 and 2005, 82 people were killed in America because of their race, ethnicity, or religious or sexual orientation, according to the FBI, which has been collecting data on hate crimes since 1990.

There were 169 homeless people murdered during that same period, the National Coalition for the Homeless says — a statistic Levin describes as "astounding." It has caught the attention of some lawmakers.

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Meanwhile, homeless hate-crime bills are moving through the legislatures of six states: Maryland, California, Massachusetts, Nevada, Texas and Florida.

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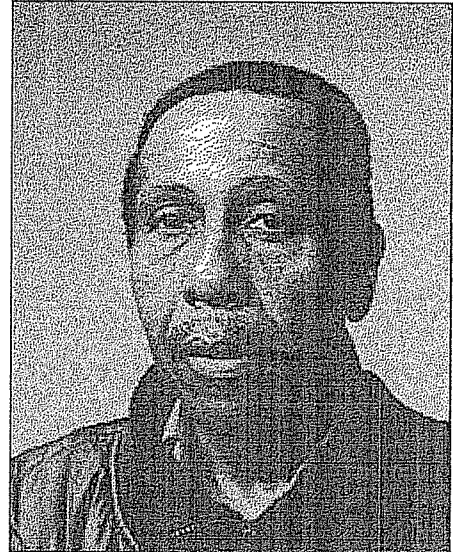
Unprovoked beatings of homeless soaringBy TODD LEWAN
AP NATIONAL WRITER

ORLANDO, Fla. -- It was a balmy night, the sort that brings the homeless out from the shelters, when the police were summoned to America Street. On the driveway of a condo, just a few paces from the gutter, lay a man. A dying man.

He looked to be 50-ish, and a resident of Orlando's streets, judging by the moldy jacket. And he'd been bludgeoned - so badly bludgeoned that he could hardly move.

Before being rushed to the hospital, where he died of his head injuries, the man, August Felix, described his attackers. Young fellows did it, he whispered to the officers who got to him first. Kids.

Within three months, two 16-year-olds and three 15-year-olds had been charged with second-degree homicide in the March 26, 2006, attack. The motive? "I don't think there was a motive," Sgt. Barbara Jones, a police spokeswoman, said, "other than, 'Let's beat someone up.'"



This photo released by the Orlando Police Department shows homeless murder victim, August Felix. Felix was attacked by youths on March 26, 2006 in Orlando, Fla., and died 30 days later. (AP Photo/Orlando Police Department)

That high-schoolers had turned - allegedly on a whim - into executioners brought pause to city officials and advocates for the homeless, not just because the killing was unprovoked, but because it fit into a trend larger than Orlando: a nationwide surge in violence largely by teenagers and young adults against some of America's most vulnerable citizens.

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Americans did pay attention to the story of 58-year-old Jacques Pierre, a homeless man who'd been sleeping on a bench on a college campus when three teenagers woke him up, taunted him, then nearly killed him with baseball bats.

Why?

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As he puts it, "Our young people get prejudices from their parents in regard to homeless people. They don't identify with the homeless, and they don't seem to see them as important." With Felix, Ring adds, "the juveniles targeted him because he was easy prey."

Homeless advocates also link the trend to the popularity of "Bumfights," a video series created in 2001 and sold on the Internet. The videos feature homeless people battering one another for money.

A Bumfights DVD was cited as inspiration by a 19-year-old who pounced on a homeless man as he slept on a Los Angeles sidewalk, then pummeled him with an aluminum baseball bat. The 2005 beating put Ernest Adams, 56, into a coma for three weeks and cost him the sight in one eye.

Last July, a jury found his attacker, Justin Brumfield, guilty of assault; he is serving an 11-year prison sentence.

Internet site Bumfights.com, which sells the videos, says the purpose is to call attention to poverty and violence. "Please do not miss the point of these videos! Educate yourself. Help those who are less fortunate. Spread love not hate," the Web site says.

In 2002, Donald Brennan and Rufus Hannah, two homeless, army veterans, filed suit against the Las Vegas producers, alleging they were paid small amounts of money to bash their heads into walls, light their hair on fire, attack each other, and to tattoo "Bumfights" in bold letters across their hands and foreheads.

Later, the Bumfights producers agreed to pay an unspecified amount in damages and to no longer use Hannah and Brennan's images for promotional purposes.

The shock-video producers also pleaded guilty to charges of conspiracy to stage an illegal fight for their videos in 2003, and were ordered to perform community service. (In 2005, they were sentenced to six months in prison for having failed to complete the community service.)

The Associated Press sent an e-mail to Bumfights.com seeking comment for this story, but got no response.

A number of local governments have adopted ordinances that restrict where and when the homeless can sleep, stroll, beg, eat, bathe, or do laundry. And this trend may have an unintended effect - reinforcing negative stereotypes of homelessness, which contributes to the violence, some advocates say.

"When cities pass laws that target homeless people, they send a message to their communities that the homeless are not as valuable in the public eye as those with homes," says Tulin Ozdeger, a civil rights attorney at the National Law Center on Homelessness & Poverty.

Of late, there have been signs that lawmakers may be ready to crack down harder on those who assault the homeless without provocation - one being a recent push to categorize such attacks as hate crimes.

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Twenty-six members of Congress have asked the Government Accountability Office to determine whether attacks on the homeless should be classified as hate crimes under federal law.

In the meantime, homeless hate-crime bills are moving through the legislatures of six states: Maryland, California, Massachusetts, Nevada, Texas and Florida.



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Hate Crimes and Violence Against People Experiencing Homelessness

NCH Fact Sheet # 21

Published by the National Coalition for the Homeless, December 2006

History of Violence

Over the past seven years, advocates and homeless shelter workers from around the country have received news reports of men, women and even children being harassed, kicked, set on fire, beaten to death, and even decapitated. From 1999 through 2005, there have been 472 acts of violence by housed people, resulting in 169 murders of homeless people and 303 victims of non-lethal violence in 165 cities from 42 states and Puerto Rico.

In response to this barrage of information, the National Coalition for the Homeless (NCH), along with its Civil Rights Work Group, a nationwide network of civil rights and homeless advocates, began compiling documentation of this epidemic. NCH has taken articles and news reports and compiled them into an annual report. The continual size of reports of hate crimes and violence against people experiencing homelessness has led NCH to publish its seventh annual consecutive report, "Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 2005." This annual report also includes a seven-year analysis of this widespread epidemic. These reports are available on the NCH website at: www.nationalhomeless.org. The report for 2006 will be published in early 2007.

What is a Hate Crime?

The term "hate crime" generally conjures up images of cross burnings and lynchings, swastikas on Jewish synagogues, and horrific murders of gays and lesbians. In 1968, the U.S. Congress defined a hate crime as a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of their race, color or national origin (Title 18 U.S.C Section 245). The first federal law to combat hate crimes, 18 USC Section 245, passed in 1968; it mandated that the government must prove both that the crime occurred because of a victim's membership in a designated group and because the victim was engaged in certain

specified federally-protected activities -- such as serving on a jury, voting, or attending public school.¹

Federal bias crime laws enacted subsequently have provided additional coverage. The Hate Crimes Statistics Act of 1990 (HCSA) authorizes the Justice Department to collect data from law enforcement agencies about crimes that “manifest evidence of prejudice based upon race, religion, -sexual orientation, or ethnicity.”² The Hate Crimes Sentencing Enhancement Act, enacted as a section of the Violent Crime Control and Law Enforcement Act of 1994, defines hate crimes as “a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, national origin, ethnicity, gender, disability, or sexual orientation of any person.” This measure only applies to attacks and vandalism that occur in national parks and on federal property.³

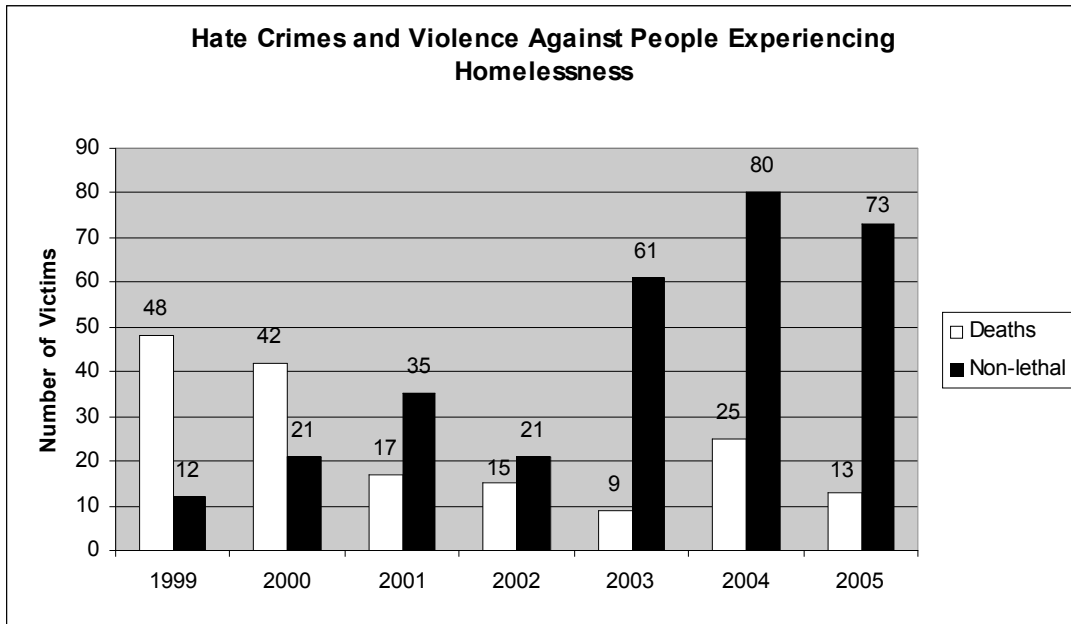
Who Commits Hate Crimes and Violence Against People who are Homeless?

Most hate crimes/violent acts are committed not by organized hate groups, but by individual citizens who harbor a strong resentment against a certain group of people. Some are “mission offenders,” who believe they are on a mission to cleanse the world of a particular evil. Others are “scapegoat offenders,” who violently act out their resentment toward the perceived growing economic power of a particular racial or ethnic group. Still others are “thrill seekers,” those who take advantage of a vulnerable and disadvantaged group in order to satisfy their own pleasures. Thrill seekers, primarily in their teens, are the most common perpetrators of violence against people who are homeless.

¹ Source: Anti-Defamation League, http://www.adl.org/legislative_action/hatecrimes_briefing.html

² Source: Leadership Conference on Civil Rights, www.civilrights.org

³ Source: Anti-Defamation League, http://www.adl.org/legislative_action/hatecrimes_briefing.html



Seven Years Analysis (1999—2005) Hate Crimes / Violence Statistics

Total number of violent acts over 7 years: 472

Total number of deaths over 7 years: 169

Total number of non-lethal attacks over 7 years: 303

Number of cities where crimes occurred over 7 years: 165

Number of states where crimes occurred over 7 years: 42 states plus Puerto Rico

Age ranges of the accused/convicted: from 11 to 75 years of age

Age ranges of the victims: from 4 months old to 74 years of age

Gender of victims: Male: 358 Female: 48

2005 Hate Crimes / Violence Statistics

Total number of violent acts: 86

Total number of deaths: 13

Total number of non-lethal attacks: 73

Number of cities where crimes occurred: 38

Number of states where crimes occurred: 22 states plus Puerto Rico

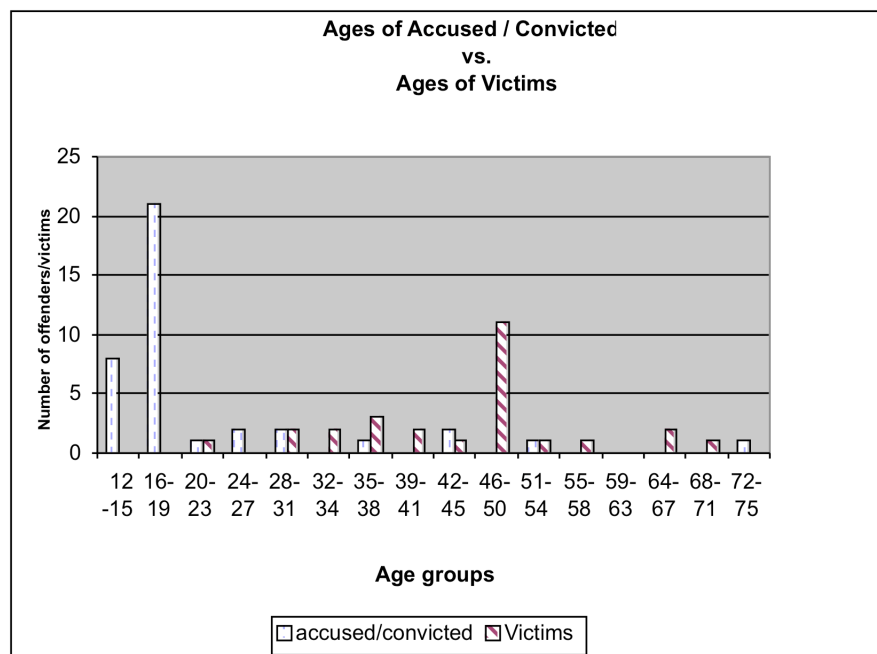
Age ranges of the accused/convicted: from 13 to 75 years of age;

13, 14 (four), 15 (three), 16, 17 (five), 18 (seven), 19 (eight), 22, 25 (two) 29, 30, 35, 45 (two), 52, 75

Age ranges of the victims: from 22 to 70 years of age;

22, 29, 30, 32, 33, 35, 36, 38, 40 (two), 44, 46 (two), 47, 49 (four), 50 (four), 53, 55, 65 (two), 70

Gender of victims: Male: 62 Female: 4



Examples of Hate Crimes and Violence against People Experiencing Homelessness

****On January 12, 2006, three homeless men, of Fort Lauderdale, Florida were brutally beaten with baseball bats and sticks in the cover of darkness. The victims included Jacques Pierre, 58, and Raymond Perez, 49, who were both listed in serious condition for several days and are recovering not only from the visible broken bones, lacerations, and deep bruises, but also from the internal damage to both their mind and body. Less fortunate was Norris Gaynor, 45, who suffered similar injuries but died of head trauma and internal bleeding within hours of arriving at the hospital. A video surveillance camera captured the inhumane pummeling of Pierre, which led to the arrest of William Ammons, 18, Brian Hooks, 18 and Tom Daugherty, 17. The chilling footage shows a defenseless Pierre, struggling unsuccessfully to escape, while enduring unmerciful blow after blow to his head and body from two of the teens wielding baseball bats and smiling, taking apparent pleasure in this act of absolute hatred. The three face murder charges for the death of Gaynor as well as aggravated assault for the other victims.**

****On May 28th, 2005, 53 year-old Michael Roberts, of Holly Hill, Florida was beaten and punched to death with sticks and logs by a group of five teenagers who admitted to doing it for fun. The teens included Christopher Scamahorn, 14, Warren Messer, 15, Phi Huynh, 15, Jeffery Spurgion, 18, and Justin Stearns, 18. The autopsy report indicates that Roberts died of blunt-force trauma to the head and body, his ribs were broken, skull fractured, and his legs were badly injured. Defensive wounds were found on his hands. The boys returned several times to make sure the job was done. Four of the teens were charged with second-degree murder. In April of 2006 the assailants were sentenced with terms ranging from 22 to 35years in length. Scamahorn and Jeffrey Spurgeon both received 35 years, while Stearns received 28 and Messner only 22 years. Phi Huynh, the fifth teen involved was charged with aggravated battery.**

RECOMMENDATIONS FOR ACTION:

The National Coalition for the Homeless recommends that the following actions be taken:

1. A public statement by the U.S. Department of Justice acknowledging that hate crimes and/or violence against people experiencing homelessness is a serious national trend.
2. The Justice Department would issue guidelines for local police on how to investigate and work with people experiencing homelessness based on recommendations from the National Coalition for the Homeless. The Justice Department would recommend improvements to state law on how to better protect against violence directed against people experiencing homelessness, including tougher penalties.
3. A database to be maintained by the U.S. Department of Justice, in cooperation with the National Coalition for the Homeless, to track hate crimes and/or violence against people experiencing homelessness.
4. Inclusion of housing status in the pending state and federal hate crimes legislation.
5. Awareness training at police academies and departments nationwide for trainees and police officers on how to deal effectively and humanely with people experiencing homelessness in their communities.
6. Faces of Homelessness Speakers' Bureaus (made up of homeless and formerly homeless people) become established in communities around the country. Speakers would visit both public and private schools in the community for the purposes of information and education. For more help and technical assistance in establishing a Faces of Homelessness Speakers' Bureau in your community, contact Michael O'Neill at: Ph. (202) 462-4822 x20; Email: moneill@nationalhomeless.org, or visit <http://www.nationalhomeless.org/faces>

7. A U.S. Government Accountability Office (GAO) study into the nature and scope of hate crimes and/or violent acts and crimes that occur against people experiencing homelessness. This proposed study will address the following:

- Causes of hate crimes/violence.
- Circumstances that contribute to or were responsible for the perpetrators' behavior.
- Beliefs held by the perpetrators of these crimes and how their beliefs have changed since conviction.
- Thoughts and advice from the perpetrators to others who are considering hate crimes/violence against the homeless population.
- Community education, prevention and law enforcement strategies.

Resources

1999: No More Homeless Deaths! Hate Crimes: A Report Documenting Violence Against Men and Women Homeless in the U.S.

2000: A Report of Hate Crimes and Violence Against People Who Are Homeless in the United States in 2000

2001: Hate. A Compilation of Violent Crimes Committed Against Homeless People in the U.S. in 2001

2002: Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 1999-2002

2003: Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 2003

2004: Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 2004

2005: This report, Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 2005

These entire reports are available on NCH's website: (www.nationalhomeless.org)